

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:04CV211-1-MU

JEFFREY S. CERKONEY,

Plaintiff,

v.

MARCUS HUGHES, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

ORDER

THIS MATTER comes before the Court on Plaintiff's Motion to Compel Discovery, filed December 28, 2005.

Plaintiff has filed the above-referenced motion requesting that this Court compel Defendants to respond to his discovery requests. In support of his motion, Plaintiff asserts that Defendants have insufficiently responded to his requests. Plaintiff does not provide any specifics as to how the Defendants responses were inadequate. While Plaintiff attaches copies of his discovery requests he does not attach copies of the Defendants' responses. Plaintiff provides insufficient information for this Court to grant his motion.

It has come to the Court's attention that conflicting orders have been entered regarding the deadline for dispositive motions in this case. On December 20, 2005, this Court ordered that the dispositive motion deadline in this case was 45 days after Defendants Jay Carter and Joey Hylemon filed an Answer. On December 21, 2005, an Order was entered setting the dispositive motion deadline for February 10, 2006. A February 10, 2006, dispositive motion deadline is premature and

the Court rules that its original deadline of 45 days from the filing of Defendant Carter and Hylemon's Answer to the Complaint is the appropriate deadline.

THEREFORE, IT IS HEREBY ORDERED that:

1. Plaintiff's Motion to Compel Discovery is **DENIED**; and
2. The dispositive motion deadline for this case is moved to 45 days after Defendants Jay Carter and Joey Hylemon file an Answer.

Signed: January 26, 2006

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

